

11/13/14

**Rahway Arch Properties LLC and Soil Safe Project
300 Salt Meadow Drive, Carteret, New Jersey**

Issue: Rahway Arch Properties, LLC, through its consultant, submitted a Remedial Action Workplan to the New Jersey Department of Environmental Protection (NJDEP) to address the 124-acre YPS-Alum Sludge Cytec Impoundments Site located in Carteret, New Jersey. Rahway Arch purchased the site in 2010. It is a state-lead site that is neither on the Superfund National Priorities List nor being handled under the RCRA corrective action program. [REDACTED]

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Background:

From 1917 to 1998, American Cyanamid Co. operated the “Warner Plant” on 30 acres in Linden, NJ, at the junction of the Rahway River and the Arthur Kill. Between the mid-1930s and 1974, American Cyanamid pumped acid sludge from the alum manufacturing process, and alkaline sludge from the yellow prussiate of soda (YPS) (a.k.a - sodium ferrocyanide) manufacturing process, in slurries across the Rahway River and into six surface impoundments at the site in Carteret. Placement of these industrial wastes on the site pre-date RCRA hazardous waste regulations. It is estimated that the surface impoundments currently contain over 2,000,000 tons of the YPS-alum sludge, ranging from 5 to 20 feet in thickness. This sludge has a “mayonnaise”-like consistency, as it has no shear strength; a rod can be pushed down through its entire length by hand.

In addition to the sludge, debris from construction/demolition activities at the Warner plant, wood from a now defunct processing plant, railroad ties, marine pilings and docking materials, as well as undocumented fill have also been deposited on site. Groundwater on-site is contaminated with metals, including arsenic, manganese, iron and silver, as well as cyanide.

Under order of the New Jersey Superior Court, between 1986 and 1989, a 12 inch cover of soil and composted sewage sludge from Camden and Philadelphia was placed over the impoundments to promote vegetative growth. The cover was placed in order to control dust that was obscuring vision on the N.J. Turnpike.

In September 2002, NJDEP issued a "Restricted Use No Further Action and Covenant Not to Sue" letter (NFA&CNS) to Cytec, which appears to be a successor of American Cyanamid in this matter. In addition, pursuant to its Cooperative Agreement with EPA for the Superfund pre-remedial program, NJDEP conducted a pre-remedial investigation/site inspection of the site, which led to the site being given a "NFRAP" (no further remedial action planned) designation by EPA in 2007. The calculated score under the Hazard Ranking system was far below the level that would be needed for an NPL listing.

In 2013, NJDEP indicated to Cytec its intention to revoke the NFA&CNS letter, based on the finding of Rahway Arch's consultant, EastStar Environmental, that the existing cap was no longer protective. The consultant developed a new remedial plan for the site, which is to involve the placement of an "engineered low permeability fill cap" over the existing six surface impoundments and implementation of stormwater controls. The cap would be comprised of processed petroleum contaminated soil; the soil would be processed on-site by a company called Soil Safe under an NJDEP-issued Class B recycling permit. The cap would be placed gradually, over a period of about five years, and, in certain places, would be as much as thirty feet thick.

The objectives of the project, as presented by NJDEP, are to raise the site above the high tide levels of the Rahway River and the new Advisory Base Flood Elevations (ABFE), to prevent stormwater from infiltrating through the contaminated materials into the groundwater, manage and discharge the stormwater to surface water through an engineered stormwater management system, and establish a structurally stable surface to eliminate the present unsafe very soft conditions presented by the YPS-alum sludge. NJDEP has already conditionally approved and issued a number of permits for the project.

The U.S. Army Corps of Engineers and EPA have determined that there is no federal wetlands jurisdiction on the property where the remedial action is to be implemented, as the project is currently proposed.

Interest from Elected Officials: U.S. Senator Charles Schumer, Congressman Michael Grimm (representing Staten Island), a number of state and local elected officials in the New York City area, the New York Attorney General's Office and the New Jersey Baykeeper have written to EPA to express concerns that the proposed remedial action could result in a major release of hazardous substances from the site during a storm event, and that such a release could adversely impact Staten Island, which lies directly across the Rahway River/Arthur Kill from the site. They are concerned about the potential for the weight of the capping material to compromise the existing on-site berms and sludge impoundments, leading to displacement or release of sludge into the adjacent wetlands and/or the river. [REDACTED]

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